

# **CREEKWALK NORTH**

**Appeal of Development Plan and Plat  
File Numbers: AR DP 21-00551 and AR FP 21-00552**



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# The Plan

“[A]pproximately 23,646 square-foot grocery store with associated parking, landscape and site improvements. Approximately 13.6% of the Site consists of landscape areas.” Kimley Horn Final Drainage Report dated Dec. 8, 2021 (the “Drainage Report”), at 8.

“Water quality treatment and detention will be provided by the full spectrum underground detention structure within the north portion of the proposed parking lot prior to discharging into Cheyenne Creek.” *Id.* at 9.



Photograph of subsurface StormTech stormwater chambers

# No Improvements Planned for Cheyenne Creek in Phase 1

The Site is located within 500' of Cheyenne Creek. The Project is to be divided into two phases. Phase 1 is described within this report as the Project and is depicted on the proposed drainage map in the Appendix. Phase 2 will be located on the west side of the proposed internal drive that connects East Ramona Avenue to St. Elmo Avenue. **Creek improvements and stream stabilization will be completed with the Phase 2 Development which is directly adjacent to Cheyenne Creek.**

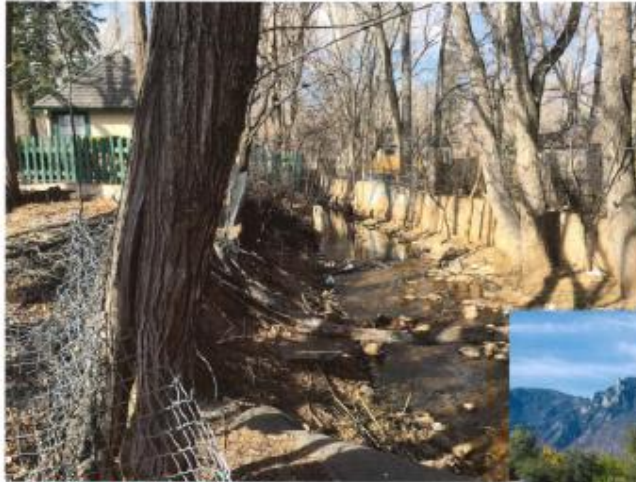
Drainage Report at 11 (emphasis added).

The Plan does not adequately address Steps 3 of the Four Step Process, which requires the stabilization of stream channels.

Even though the Phase 1 Underground BMP outflows directly to Cheyenne Creek, the Plan pushes all Creek improvement and stabilization to Phase 2, with no promise that the next phase will even occur.



- The following images capture the successful creek redevelopment work completed to date associated with Creekwalk South:



BEFORE



AFTER

Phase 1 of Creekwalk North does not include plans to make any improvements to Cheyenne Creek, let alone improvements like these.

*Source: Letter to Ryan Tefertiller from Kimley Horn dated March 3, 2022 (in response to concerns raised by Protect Colorado Springs), at 2.*

# Impervious Areas

- Step 1 of the Four Step Process requires that the BMP “[r]educe runoff by disconnecting impervious area, eliminating ‘unnecessary’ impervious area and encouraging infiltration into soils that are suitable.”
- The Plan states only that landscaping will be “implemented throughout the site.” The Plan relies significantly on the Underground BMP and stormwater infrastructure for drainage, with minimal use of landscaping.
- The Plan prioritizes parking space. “The proposed parking ratios exceed the designated commercial center ratio of 1 stall per 300 square feet and over-sized parking stalls are proposed.” Development Plan Project Statement dated Aug. 17, 2021, at 3.

# **Impacts to Cheyenne Creek with No Consequences**

1. Underground BMPs (in Phases 1 and 2) will outflow directly to Cheyenne Creek, discharging significant toxic materials into the Creek such as benzene emissions, coolant, transmission and brake fluid, de-icer, and other chemicals.
2. No stabilization or other improvements to Cheyenne Creek until Phase 2.
3. No indication the Four Step Process or Policy Consideration criteria can be met in Phase 2, or that they have even been considered.
4. No guarantee Phase 2 will ever even occur.
5. No analysis of impacts to Cheyenne Creek.

# Public funding of a private stormwater facility is unlawful.

- “Publicly maintained underground control measures may **only** be installed on behalf of public projects or programs.” DCM, Vol. 2, Ch. 4.0 (emphasis added).
- State law confirms this approach. The Business Improvement District Act defines “Improvements” as “public improvements.” C.R.S. § 31-25-1203.
- The Applicant’s proposed public financing in substitution for its own financial responsibilities should not be countenanced and could be copied by hundreds of future developments in the City.